

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
)
)
 v.) CRIMINAL ACTION
) NO. 05-40006-FDS
HERIBERTO RODRIGUEZ,)
Defendant,)
)

STATUS REPORT
December 19, 2005

SWARTWOOD, C.M.J.

The following is a Status Report to Saylor, J. to whom this case is assigned:

1. Discovery

The Government has just recently provided Mr. Rodriguez's counsel with additional discovery. Mr. Rodriguez's counsel has requested additional time to review that discovery and also to file a discovery motion. I have granted that request. Such motion shall be filed by January 13, 2006 and the Government shall respond to that motion by January 26, 2006.

2. Further Status Conference

A further status conference shall be held in this case on January 30, 2006, at 2:15 p.m., in Courtroom 1, Fifth Floor, Donohue Federal Building, United States Courthouse, 595 Main Street, Worcester, Massachusetts.

3. Excludable Time

At the request of the Government and without objection from Mr. Rodriguez's counsel, I am excluding from the Speedy Trial Act, the period from December 13, 2005 (date of expiration of prior order of excludable time) through January 26, 2006 (date by which the Government shall file its opposition to Mr. Rodriguez's motion for discovery). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Thursday, April 6, 2006.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE